

REMARKS

The Examiner required restriction among the claims under PCT Rule 13.1 asserting that the pending claims reflect two groups of inventions not so linked as to form a single general inventive concept. The Examiner asserted that the claims fell into the following groups:

- Group I. Claims 1-12, drawn to a method of determining activity and aging behavior of a catalyst; and
- Group II. Claims 13-19, drawn to an apparatus for determining the activity and the aging behavior of a catalyst.

The Examiner's alleged basis for the restriction between the inventions is that the claims lack the same or corresponding special technical feature as the exhaust gas is generated by two burners and would be obvious to one of ordinary skill in the art.

In response, Applicant provisionally elects, with traverse, the subject matter in Group I - Claims 1-12, drawn to a method of determining activity and aging behavior of a catalyst. Applicant specifically reserves the right to pursue the claims not elected in one or more divisional applications.

Applicant respectfully disagrees with the Examiner's restriction, and submit that the Examiner has not met the burden of establishing two or more independent and distinct inventions claimed in one application under PCT Rule 13.1 and that the search poses an undue burden on the U.S. Patent Office. For example, the claims in Groups I and II both involve determining the activity and the aging behavior of a catalyst. The Examiner merely asserts that the claims are obvious over the prior art. Thus, the distinctions the Examiner makes between Groups I and II are unclear and the Examiner has not established that the inventions in Groups I and II are independent and distinct. Moreover, searching each claim group would not pose a serious burden on the U.S. Patent Office, as the Examiner would almost certainly cite the same reference in one group against the other group (*e.g.*, methods for determining catalyst aging behavior in Group I vs. apparatus for determining catalyst aging behavior in Group II). Applicants submit that

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separate searches for each of the alleged groups would be substantially duplicative, and the Examiner has not demonstrated that a search directed to one group is unreasonable or would present an undue burden on the U.S. Patent Office. Accordingly, Applicants respectfully request that the restriction requirement be reconsidered and withdrawn.

Conclusion

No additional fee is believed to be due with respect to filing this response. If any additional fees are due, or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicant's attorney at the telephone number provided below.

Respectfully submitted,

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